

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF A REGULAR MEETING
OF THE FACULTY SENATE HELD ON
DECEMBER 14, 1990, IN LISNER HALL
ROOM 603

The meeting was called to order by President Trachtenberg at 2:24 p.m.

Present: President Trachtenberg, Vice President French, Parliamentarian Steinhardt, Burdetsky, Divita, Garris, Giordano, Griffith, Gross, Gupta, Harrington, Holmes, Infeld, Kahn, Kenny, Kirsch, Moore, Park, Parke, Parrish, Robbins, Robinson, Rycroft, Schiff, Tolchin, Trangsrud, Vontress, Yezer, and Ziolkowski

Absent: Registrar Gaglione, Berman, East, Friedenthal, Keimowitz, Leonard, Spanogle, and Walker

APPROVAL OF MINUTES

The minutes of the regular meeting of November 9, 1990, were approved as distributed.

On behalf of the School of Business and Public Management, Professor Tolchin paid tribute to the late Marvin S. Katzman, Associate Professor of Business and Assistant Dean of Undergraduate Programs, as a faculty member highly respected by both his colleagues and his students. Dean Katzman died December 12, 1990.

RESOLUTIONS

- Corrected
1/18/91*
- I. RESOLUTION 90/8, "A RESOLUTION TO AMEND ~~THE~~ THE UNIVERSITY POLICY ON EQUAL OPPORTUNITY TO ADD THE WORDS 'SEXUAL ORIENTATION'"

On behalf of the Joint Committee of Faculty and Students, Professor Robbins, Co-Chair, moved the adoption of Resolution 90/8, and the motion was seconded. Professor Robbins reported that this resolution had been referred to the Joint Committee by the Executive Committee. At the December meeting of the Joint Committee, a delegation of persons who had sponsored the resolution spoke in its favor and also responded to some of the University's possible concerns over the addition of this language. After discussion by the Committee, the original resolution had been amended so that it would be non-specific as to the exact place where "sexual orientation" would be added to the University policy, and the resolution was then passed unanimously in the

amended form. The Joint Committee now urged the Faculty Senate to consider and adopt this resolution. Professor Robbins then yielded the floor to Mary Cheh, Professor of Law.

Professor Cheh made the following remarks in support of Resolution 90/8:

I wish to point out that this resolution enjoys wide-based support among the students of the University and many of them are here today as representatives of the various school groups that are interested in and supportive of this resolution. For example, the Gay & Lesbian Law Association of GW, GWU Gay & Lesbian Alumni/ae, GW Residence Hall Association, Women's Issues Now!, the Progressive Student Union, International Students Society, GW Program Board, GW Student Association, GW Lesbian & Gay People's Alliance, Students for Environmental Action, and College Democrats are among those groups which have adopted their own resolutions supporting the addition of the words 'sexual orientation' to the University Policy on Equal Opportunity.

In terms of Resolution 90/8 itself, whatever direction the Senate debate takes today, I wanted to make one main point at the outset which is that I think the resolution presents pure consideration of a very simple and straight-forward issue. The question is whether the University wants to join with other universities, such as Harvard, Stanford, and Princeton, which actually include the words 'sexual orientation' or 'sexual preference' in their non-discrimination policies. In addition to other education-affiliated groups, the American Association of Law Schools, the American Bar Association, and countless other organizations have gone on record explicitly stating that they will not support or in any sense even indirectly countenance discrimination within their universities based upon sexual orientation. So the question before the Senate is whether this University wants to join with those universities to say explicitly that it stands for the proposition that GW believes that it is wrong to discriminate on the basis of sexual orientation. It is what we, as a University, stand for in terms of our own admissions policy, our hiring policies, our promotion policies, our scholarships, and all other issues of University business. Two questions that have been raised in connection with this anti-discrimination resolution can be readily responded to and dealt with. The first question is: 'What effect will this resolution have on ROTC?' The answer is that this resolution

need not have any effect on ROTC. We have it within our capacity to let the legislative history reflect that we are speaking for what the University does and what the University stands for. Many of the universities on the list distributed to the Senate both have an explicit anti-discrimination policy and ROTC. Indeed, we have an Equal Opportunity Policy that says that the University does not discriminate on the basis of age, physical handicap, and veteran status, and the ROTC does discriminate on those bases. It's within the University's power to adopt this resolution without having any effect on ROTC. The second question is: 'Would adoption of this resolution be a back-handed way of attempting to censor speech of persons on campus who wanted to speak out against the gay and lesbian groups?' The answer is that this resolution would have no effect whatsoever on free speech. This is not a campus free-speech issue; it is a matter of whether this University adopts an anti-discrimination policy. If this resolution is adopted, individuals would enjoy the same freedom of speech they had before its adoption. The major significance of this resolution is that the University itself, for itself, takes a stand about what it thinks about discrimination on the basis of sexual orientation. I think it is quite important that the University not give aid and comfort to those who would discriminate on this basis by not being very clear about its own stand on the matter.

Now, I have to tell you that there are some people who wish the question had never been brought up, but it has been, and now it's up to the Senate to answer whether this policy should be adopted or not. I also have to tell you that there are among us, and on this University campus in general, many students, staff and faculty members who are gay and who are awaiting our answer. I don't think we want to be in a position of saying 'no' to those who have served us for so long and so well, or defer this in any way by saying that we can't go on record as saying that this kind of discrimination by us as a University is wrong. I don't think we are prepared to do that. There aren't that many occasions when this body, or any collective body, has the opportunity to make a correct, right decision on behalf of others. The Senate now has the opportunity to do that and I hope it will support Resolution 90/8.

In order to participate in the discussion, the President turned the Chair over to Vice President French.

Professor Yezer noted that under the present University policy, information is collected from applicants with regard to age, sex, etc., and he asked if it was contemplated that information on the sexual orientation of applicants would have to be collected too if this resolution is adopted. Professor Robbins responded he did not think that was contemplated by the Joint Committee or anybody else. Professor Park noted that when the Executive Committee considered this resolution there were three specific issues the Committee thought would arise in the Senate's debate and, therefore, requested the Joint Committee to address them. The three issues are: (1) a more precise definition of sexual orientation to provide an understanding of the scope and depth of the resolution; (2) a clarification of the DOD policy itself; and (3) whether the Joint Committee wanted to add language indicating that there was no intent to control any federal agencies that might come to the campus other than NROTC with regard to any of their standards of classifications that might appear on pamphlets in the form of recruitment, their representatives, or contract proposals, research proposals, etc. Professor Robbins replied that (1) sexual orientation is the language that is used in the D.C. Human Rights Act and, therefore, speaks for itself; anything that is illegal, for example, child molestation, would not be countenanced by the addition of the language; the language applies only to gay and lesbian people; (2) insofar as the NROTC is concerned, the Committee thought that federal statutes and federal court rulings would override anything that might be contained in D.C. law or in the University policy; and (3) since NROTC is governed by federal law, the supposition is that the same would apply to any federal agency, but that this was really a legal question.

Professor Park said that he supported the resolution but that there were some issues that were puzzling. For example, suppose a child care center were established on the campus and one of the candidates for appointment to a staff position there professed openly a strong preference for children. Suppose we are not talking about conduct, but about a profession of sexual orientation. Would that, he asked, be sufficiently job-related for the University not to hire such a person on that basis, or would that be discrimination in violation of the language proposed in this resolution? Professor Robbins replied that he could not answer that question. The resolution, if passed, recommends to the President and to the Board of Trustees that this be adopted as University policy. He said that, as Professor Cheh has suggested, this is a relatively simple issue and not a complicated one; complications, if any, should be left to President Trachtenberg and the Board of Trustees.

President Trachtenberg said that he supported the resolution with the understanding that Professor Cheh's conditional remarks be operative as part of the legislative history and be built into the language of the resolution, if possible. As disagreeable as it may be to all, the President said that he has the responsibility to look at the dollar side of the issue. The University has roughly 130 undergraduate ROTC students; 79 are white, 39 are minority, and 12 are characterized as "other." That means approximately \$1,795,000 in undergraduate scholarship aid, which equates to approximately \$35-\$40 million in endowment income. In addition, the University has 34 graduate ROTC students who are funded by the federal government through the Army/Air Force ROTC. This is a total of 164 ROTC students. He said that not only could the University not afford to lose \$1.7 million, it likewise could not afford to lose some very fine students -- men and women, black and white, Hispanic, Eskimo, Asian, and others. The President said the question he would pose to the Senate is: "How do we develop institutional language that is both nurturing and reassuring to the gay and lesbian community and, at the same time, not impose upon the institution a truly painful financial loss?" He said that if the Senate could arrive at language which would include the thrust of Professor Cheh's remarks, namely, that the resolution would not impact upon federal programs, then he would be happy to support the resolution. However, he thought that responsive answers to the questions raised by Professor Park must be given so that the Senate does not simply pass on to the administration a "feel-good" resolution which might put the administration in the position of being labeled "anti-gay." The President informed the Senate that he has been lobbying with the Navy and other federal agencies about this issue, indicating to them what was likely to be the sentiment of the faculty of GWU and most universities. He said that the Navy, for its own reasons, seemed to be immovable on this issue.

Professor Robbins pointed out that the intent behind the amendment that the Joint Committee made prior to the passage of this resolution was to give the administration and the Board of Trustees the leeway they might need in framing the appropriate language, and, therefore, the resolution before the Senate provides that flexibility.

Professor Griffith asked Professor Cheh if the legislative history of this resolution would provide appropriate protection for the administration and the Board of Trustees, inasmuch as there appeared to be an informal consensus emerging in the Senate discussion that this resolution was not intended to lead to an attack upon the NROTC. If that is the case, he said it seemed to him that instead of amending the language of the resolution, the President and the Board of Trustees could adopt it with a qualifying statement of their understanding of its relationship to the

NROTC program. Professor Cheh replied that legislative history is often referred to if there is any doubt about what the language means. She said that she was not confident that some ten or twenty years from now the institutional memory would be so perfect or the legislative record so clear that someone could not make a case that it has a different interpretation. With reference to Professor Park's concern about children, Professor Cheh said that she would represent the University in any case where a pedophile came to work at the child care center and argue that this was not the intent of the legislature. Whether the Senate has to nail down every conceivable interpretation of sexual orientation in its legislation is a question of judgment. Professor Cheh said that it seemed clear to her that other universities have been able to have an explicit anti-discrimination policy and also to have ROTC on campus, and she thought that would be one of the strongest arguments in any court, i.e., the University never intended to affect the position of ROTC by adoption of this resolution. While the legislative history would be adequate protection for the University, she said it would not be an absolute barrier to someone in the future maintaining, as an argument, that the language extended to ROTC. The University was not going to be able to eliminate that interpretive possibility.

Professor Park said that it seemed dangerous to him to rely on the legislative history. He recommended that language be added in the form of a WHEREAS clause that would state very clearly that "the adoption of such a non-discrimination policy will not adversely affect federal recruiting, federal entities, or the NROTC program." Professor Cheh pointed out that the language suggested by Professor Park would go beyond the NROTC and would cover other groups, such as the CIA, that come on this campus to recruit under some federal umbrella and discriminate on the basis of sexual orientation, and she cautioned the Senate to be very attentive to what that specific language means. Professor Park responded that it seemed perfectly appropriate and consistent with the resolution that, if the Senate decided that NROTC should be excluded, then all federal agencies which have any kind of security qualification that involves a sexual orientation test should also be excluded.

Professor Trangsrud said that he supported the resolution but was uncomfortable with what seemed to him to be the ambiguity of the proposal with respect to the University's relationship with federal agencies which, apparently consistent with federal law, discriminate on the basis of sexual orientation. He said that he shared Professor Cheh's and Professor Park's concerns that, in the absence of language in the resolution reflecting the Senate's intention, the University would have to rely on the unsteady and unreliable availability and interpretation of legislative history in a dispute which may arise ten years from now. Professor Trangsrud then moved that the resolution be amended to add a second RESOLVING clause that would read as follows: "(2) That the Faculty Senate recommends to the President and The George Washington University Board of Trustees that the University policy on sexual orientation should not be interpreted, applied, or administered in a manner which would interfere with any existing or future relationship between the University and any federal entity." The motion was seconded.

Professor Tolchin noted that the problem seemed to be only with the ROTC, and she asked Professor Trangsrud if he would be willing to substitute the words "the University and its relationship with ROTC" for "any federal agency." She pointed out that she agreed with Professor Cheh that the University was not countenancing discrimination on the basis of sexual orientation if it was, indeed, practiced by any federal agency. Professor Trangsrud declined to accept Professor Tolchin's amendment. Professor Kirsch spoke against the amendment because he thought the resolution was meant to include more than the NROTC. The Chair recognized Margaret Fine, Founder and former President, Gay and Lesbian Law Association, who recommended that the Senate make the resolution flexible and general by stating that GWU does not discriminate on this basis because the ROTC was a much bigger issue than just this policy.

Professor Parke suggested an alternative amendment that would not simply focus on federal agencies by adding the phrase "except where such distinctions are required by law or proved to be a bona fide qualification" at the end of the original RESOLVING clause.

Discussion resumed on the Trangsrud amendment. Professor Griffith said that he thought the phrase "future federal relationship" seemed to go well beyond what was required at this time and it seemed to be excessively deferential to the possibilities of manipulation by federal agencies in future dealings with them. He asked Professor Trangsrud if he would accept the deletion of those words. Professor Trangsrud declined to accept Professor Griffith's suggestion.

Professor Park said it seemed to him that the clear intent of the Trangsrud amendment was not to give the federal government an open window, but to provide some flexibility in the University administration. Once this became part of University policy, certainly the University could be expected to bargain with federal agencies in light of its own policy with regard to sexual orientation. He thought one thing the Senate ought to keep in mind was that federal statutes governing discrimination control any impulse that government agencies might have to act with disregard to most of the traditional categories. Professor Park thought that sexual orientation was an emerging category and one that will be expanded in future legislation and that ten years from now it would be less problematic.

Professor Tolchin agreed with Professor Griffith's point that this amendment would open the door to inviting other jurisdictions to discriminate, and she renewed her recommendation to change the language to make it more specific. Professor Trangsrud said that he would encourage and expect the administration of the University to continue its stated desire to negotiate with federal agencies to end this type of discrimination but, as long as federal agencies, for reasons of national security and other reasons, believe these distinctions are necessary, he did not think the Senate should tie the University's hands and its ability to interact with those federal agencies.

Professor Divita moved to table the Trangsrud amendment, and the motion failed. The question was called on the Trangsrud amendment, and the amendment was adopted.

Professor Parke then moved that the phrase "except where such distinctions are required by law or proved to be a bona fide qualification" be added at the end of the original RESOLVING clause. The motion was seconded. Professor Parke explained that this amendment would apply to the ROTC issue and any other potential conflicts, including the child care center issue. Professor Park said that Professor Banzhaf pointed out that there is a difference between a law that requires a university to do something and a law that would apply to a federal agency's independent power to make such judgments. He then suggested as a friendly amendment that the word "permitted" be substituted for the word "required." Professor Parke accepted the amendment.

The Chair recognized John F. Banzhaf, III, Professor of Law, who made the following remarks:

I speak neither for nor against the amendment but simply point out that it is somewhat vague in that I understand it asks whether a law requires the distinction. It is not clear whether the language would apply where the law requires distinction to be made by the federal entity, e.g., NROTC, or where the law requires the University to do it. In a sense, there is a real parallelism here between what you are doing and what the D.C. Human Rights Act now provides. The D.C. Human Rights Act provides that 'nothing in this act shall be construed to supersede any federal rule, regulation or act.' On that basis, it is not entirely clear that the University's relationship with NROTC, regardless of whatever you may do here today, is consistent with the D.C. Human Rights Act. There is nothing in the federal law which requires our university to have an NROTC. Therefore, it would not be superseded by any federal rule, regulation or act. However, another possible interpretation is that the University could cooperate with any entity where a federal regulation, rule or act is applicable. I support the statements made by my law colleagues that, rather than depending upon the legislative history, the most appropriate thing to do is, if you all know what you mean, put it in the resolution. I feel the same way with regard to sexual orientation ... if all you mean is homosexuality, bisexuality, heterosexuality ... put it in and be done with it. If not, there are significant arguments that it could apply to other sexual orientations such as incest and activities which are, in the District, a crime.

Professor Trangsrud said that he shared the spirit and view of Professor Parke's amendment, but that he was concerned that it could be misunderstood in the sense that it appears to be an acknowledgment that the University's policy on discrimination based on sexual orientation is a qualified policy. This would appear to suggest that, if the University administration thought that discrimination on the basis of sexual orientation was a bona fide qualification, then it could decline to apply the policy. With the exception of federal agencies which have special functions and special situations, Professor Trangsrud was not sure that the Senate would want to create an exception to a policy against discrimination based on sexual orientation. Professor Park said that the question raised about the child care center staff is germane. Even though someone has not engaged in illegal conduct, a clearly professed orientation that might put at risk the children in the child care center seemed to him to be a bona

fide disqualification for appointment, and he thought Professor Parke's amendment appeared to be useful in that sense. Secondly, Professor Park said that it is possible that the language of discrimination itself excuses just such a bona fide qualification. Following the suggestions earlier of Professor Cheh and Professor Banzhaf, Professor Park said that it seemed important the record clearly show that this would be the exceptional case where this amendment would apply.

The question was called on the Parke amendment, and the amendment was adopted. The question was then called on the original motion, and Resolution 90/8, as amended, was adopted. (Resolution 90/8, as amended, is attached.)

The President then resumed the Chair.

II. RESOLUTION 90/9, "A RESOLUTION TO ENDORSE GUIDELINES FOR SEARCHES FOR DEANS OF THE GEORGE WASHINGTON UNIVERSITY"

On behalf of the Committee on Administrative Matters as They Affect the Faculty, Professor Infeld, Chair, moved the adoption of Resolution 90/9, and the motion was seconded. Professor Infeld explained that some of the issues addressed in this resolution were originally introduced by the Board of Trustees' Committee on Academic Affairs which raised some questions about the participation of students and alumni in the dean search process. The issue was brought to the Faculty Senate in 1989-90 and was referred at that time to the Administrative Matters Committee. The Committee reviewed the matter in terms of whether or not there was a need for changing the Faculty Code to allow non-faculty members of Dean Search Committees. The Committee recommended that no change in the Code was necessary. This issue then resurfaced under the more general question of whether there was some way, without changing the Code, that would allow participation of other groups, including alumni and students, in the search process for Deans. This question was referred to the current Administrative Matters Committee which developed guidelines for dean searches in an effort to improve the search process by making it more efficient and effective by allowing the participation of other groups.

Professor Griffith expressed his thanks to the Administrative Matters Committee for what he viewed as a very good job in developing guidelines which attempt to refine the process of collaboration and cooperation between the faculty and the administration in the selection of deans. While it is clear in the Faculty Code that faculty are expected to have a substantial role in the process of selecting deans for the schools, it does not, in effect, allow the faculty to elect the deans, but only to

recommend candidates to the President and Academic Vice President. In asking the Administrative Matters Committee to work with the Office of the Vice President for Academic Affairs to develop guidelines; the Executive Committee hoped to achieve a more efficient process of collaboration with the administration in the selection of deans.

Professor Parrish asked if it would be possible to simplify the guidelines so that it would be required that students and alumni be included in the search process rather than establishing a committee of students and a committee of alumni as stated in the guidelines. Professor Infeld replied that there was some concern in previous searches by both students and alumni that they didn't know how the process worked nor how to participate. The establishment of these two committees was to insure that the two groups involved would know about the mechanisms of the individual schools giving them the opportunity to participate. A discussion followed by Professors Parrish, Infeld, Gupta, and Trangsrud.

Professor Trangsrud moved that lines 4 and 5 of the third paragraph of the Guidelines be amended to delete the words "to participate as an advisor to the committee," and to substitute therefor the words "to assist the faculty committee, as the faculty deems appropriate." The motion was seconded. Professor Trangsrud said the purpose of this amendment was to clarify the administrative representative's role as assisting the committee, by providing advice about criteria, etc., but to vest the ultimate responsibility with the faculty committee regarding the definition of selection criteria and the screening of resumes and interviewing. Vice President French noted that the University's method of conducting dean searches was atypical compared to other institutions which he studied over the past few years. In those institutions, administrative representatives were voting members of search committees. Often there was more than one administrative representative on the committee and always from a unit other than the one conducting the search. Vice President French said that he thought it had to do with the evolving role of deans and their dual capacity as members of the academic administration of the University and as representatives of their respective faculties. He thought the language as presented by the Administrative Matters Committee was a weakening of the original intention, and Professor Trangsrud's amendment would clearly weaken it even more so.

Professor Yezer spoke in favor of the amendment because he thought that attendance and participation by an academic administrator should be voluntary and as deemed appropriate by the faculty committee. Professor Schiff spoke against the amendment because, as a veteran of dean searches, he thought it was important to have administrative input so that the faculty knew what kind of individuals the administration was looking for. Further discussion followed by Professors Griffith, Garris, Park, Divita, Trangsrud, Infeld, Gupta, Yezer and President Trachtenberg.

The question was called on the Trangsrud amendment, and the amendment failed. A discussion followed by Professors Yezer and Gupta. The question was called on the original motion, and Resolution 90/9 was adopted. (Resolution 90/9 is attached.)

PRESENTATION OF NEW ADMISSIONS VIDEO TAPE BY ROBERT A. CHERNAK,
VICE PRESIDENT FOR STUDENT AND ACADEMIC SUPPORT SERVICES

Vice President Chernak said that this video would be sent to all students who are accepted for admission. It was now being shown by some 350 alumni admissions volunteers and was on the shelves of several thousand libraries across the country. The video was then shown to the Senate. Professor Divita commented that this video is an "ad," and that, as such, it makes a lot of promises on which the University should be prepared to deliver to its customers. The President then asked Vice President Chernak to deliver copies of the video to all of the Senate members.

BRIEFING ON FINANCIAL STATUS OF THE GWU MEDICAL CENTER BY
L. THOMPSON BOWLES, VICE PRESIDENT FOR MEDICAL AFFAIRS

(This item was postponed to the January 18th Senate meeting.)

GENERAL BUSINESS:

I. NOMINATION FOR ELECTION OF CHAIR OF THE STUDENT FINANCIAL
AID COMMITTEE

(This item was postponed to the January 18th Senate meeting.)

II. REPORT OF THE EXECUTIVE COMMITTEE

On behalf of the Executive Committee, Professor Griffith reported on the following items:

(1) At the request of Vice President French, the Executive Committee nominated the following faculty from appropriate Senate committees to serve on two Task Forces: TASK FORCE ON ADVISING: Richard G. Epstein, Assistant Professor of Statistics; Charles C. Shepherd, Jr., Assistant Professor of Business Administration; and Nathan C. Garner, Associate Professor of Theatre. TASK FORCE ON SUMMER SESSIONS: Lloyd S. Bowling, Professor of Speech and Hearing; and Robert C. Waters, Professor of Engineering Administration.

(2) The Executive Committee has invited Vice President and Treasurer Louis H. Katz to make a presentation to the Senate in January on the current budgeting process.

(3) The Executive Committee has not yet received all of the mission statements from Senate Committees and would appreciate receiving them as soon as possible.

(4) A note of appreciation has been received by the Chair from Frances L. Wooldridge, sister of the late Professor John Reesing. She expressed her thanks for the generous remarks made by the Faculty Senate commemorating her brother.

(5) The Executive Committee will meet on December 20th to set the agenda for the January 18th Senate meeting.

Professor Griffith then expressed condolences on behalf of himself and his colleagues in the Senate to Professor Stefan O. Schiff, whose wife died two weeks ago.

In closing, Professor Griffith wished everyone Happy Holidays.

BRIEF STATEMENTS

The President said that, after almost a year of consultation with various University groups, an acceptable location for the statue of George Washington has been found. This statue has been stored in the basement of Lisner Auditorium and will be coated with an anti-erosion substance, put on a pedestal, and placed in the University Yard.

Professor Moore, Chair of the Honors and Academic Convocations Committee, noted that, at the suggestion of members of the Board of Trustees, the Committee would be forwarding a recommendation to the Executive Committee that two members of the Board be nominated to serve as voting members of the Honors and Academic Convocations Committee.

ADJOURNMENT

Upon motion made and seconded, President Trachtenberg adjourned the meeting at 4:00 p.m.

A handwritten signature in cursive script, reading "J. Matthew Gaglione". The signature is written in dark ink and is positioned above the printed name and title.

J. Matthew Gaglione
Registrar

A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON EQUAL OPPORTUNITY TO ADD THE WORDS "SEXUAL ORIENTATION" (90/8)

WHEREAS, The George Washington University Policy on Equal Opportunity fails to include the words "sexual orientation"; and

WHEREAS, the present University Policy on Equal Opportunity prohibits discrimination on the basis of race, color, religion, sex, national origin, handicap, or veteran status; and

WHEREAS, a University Policy on Equal Opportunity which included the words "sexual orientation" would provide express protection against discrimination to gay men and lesbians; NOW THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

(underlining indicates amendments)

(1) That the Faculty Senate recommends to the President and to The George Washington University Board of Trustees that the University Policy on Equal Opportunity be amended to add the words "sexual orientation" to its non-discrimination provisions, except where such distinctions are permitted by law or proved to be a bona fide qualification; and

(2) That the Faculty Senate recommends to the President and The George Washington University Board of Trustees that the University policy on sexual orientation should not be interpreted, applied, or administered in a manner which would interfere with any existing or future relationship between the University and any federal entity.

Joint Committee of Faculty and Students
November 2, 1990

Adopted December 14, 1990, as amended

A RESOLUTION TO ENDORSE GUIDELINES FOR SEARCHES FOR DEANS
OF THE GEORGE WASHINGTON UNIVERSITY (90/9)

WHEREAS, The Faculty Senate Committee on Administrative Matters as They Affect the Faculty has reviewed the process for searches for Deans and has developed general guidelines; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the attached Guidelines are endorsed for use by Dean Search Committees.

Committee on Administrative Matters as They Affect the Faculty
November 11, 1990

Adopted December 14, 1990

SEARCHES FOR DEANS OF THE GEORGE WASHINGTON UNIVERSITY

Preamble

In an effort to improve the search process for Deans and to promote cooperation and coordination within the University community in this matter, the Faculty Senate Committee on Administrative Matters as They Affect the Faculty recommends the adoption of the following guidelines. These guidelines serve to expand on the procedures stipulated in the Faculty Code.

Background

Based on discussions with various parties involved in recent dean searches, several issues have surfaced which support the adoption of Guidelines for Dean searches. The following list highlights the key points:

Deans play a critical role in relation to university administration, faculty, students, and alumni. Therefore the dean search process should encompass participation of these four groups.

Dean searches are not conducted frequently in any given school or college. As a result these units are unable to develop procedures to facilitate efficient operation of the process.

It is important for faculty search committees to understand what is expected of Deans in our University.

Expeditious processing and review of applications is critical to assure that potentially qualified candidates are not lost from the applicant pool because of earlier job offers from other institutions.

Use of an executive search firm can be useful in developing a large pool of qualified applicants.

Given the large number of persons involved in the dean search process, confidentiality of information about candidates for these positions is critical.

Recommendation

The Committee on Administrative Matters as They Affect the Faculty hereby recommends the adoption of the following Guidelines:

GUIDELINES FOR SEARCHES FOR DEANS
OF THE GEORGE WASHINGTON UNIVERSITY

All schools and colleges are requested to develop a mechanism for the selection of a committee of students which will play a formal supporting role to the elected faculty search committee. This student committee would have the opportunity to participate in interviews of candidates, reporting their recommendations to the faculty search committee. The identity and mandate of the student committee would be made known to all students in the unit.

All schools and colleges are requested to develop a mechanism for the selection of a committee of alumni which will play a formal supporting role to the elected faculty search committee. This alumni committee would have the opportunity to participate in interviews of candidates, reporting their recommendations to the faculty search committee. The identity and mandate of this alumni committee would be made known to the alumni in the unit.

At the time that faculty search committees are elected by any school or college following the bylaws of that unit, the Vice President for Academic Affairs may name an academic administrator from outside that school or college to participate as an advisor to the committee with regard to the definition of selection criteria, screening of resumes, interviewing of candidates, and other functions of the committee.

Support services for Dean searches will be provided by the office of the Assistant to the Board of Trustees. This office will provide staff assistance for scheduling campus visits for interviews and other administrative services required by the search process. This office will also facilitate the utilization of an executive search firm, should the faculty committee choose to contract for such services.

The Chair of the Dean Search Committee should report at least monthly to the respective faculty and to the Vice President for Academic Affairs on the status of the search.

Each faculty search committee should develop procedures to assure confidentiality of information about candidates for dean positions.

Approved by the Senate Committee on Administrative Matters as
They Affect the Faculty, November 11, 1990

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

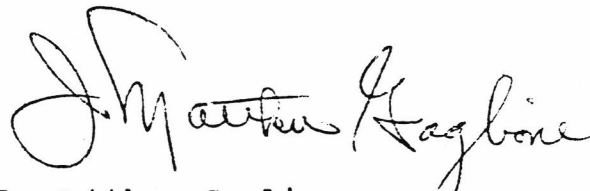
The Faculty Senate

December 3, 1990

The Faculty Senate will meet on Friday, December 14, 1990, at 2:10 p.m. in Lisner Hall 603.

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of November 9, 1990
3. Resolutions:
 - (a) A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON EQUAL OPPORTUNITY TO ADD THE WORDS "SEXUAL ORIENTATION" (90/8) with accompanying Report; Professor Philip Robbins, Co-Chair, Joint Committee of Faculty and Students (Resolution 90/8 and Report are attached)
 - (b) A RESOLUTION TO ENDORSE GUIDELINES FOR SEARCHES FOR DEANS OF THE GEORGE WASHINGTON UNIVERSITY (90/9) with accompanying Guidelines; Professor Donna L. Infeld, Chair, Committee on Administrative Matters as They Affect the Faculty (Resolution 90/9 and Guidelines are attached)
4. Introduction of Resolutions
5. Presentation of new admissions video tape by Robert A. Chernak, Vice President for Student and Academic Support Services
6. Briefing on financial status of the GWU Medical Center by L. Thompson Bowles, Vice President for Medical Affairs
7. General Business:
 - (a) Nomination for election of Chair of the Student Financial Aid Committee as replacement for Professor Tolchin who will be on sabbatical leave (Spring 1991)
 - (b) Report of the Executive Committee: Professor William B. Griffith, Chair
8. Brief Statements
9. Adjournment


J. Matthew Gaglione
Registrar

A RESOLUTION TO AMEND THE UNIVERSITY POLICY ON EQUAL
OPPORTUNITY TO ADD THE WORDS "SEXUAL ORIENTATION" (90/8)

WHEREAS, The George Washington University Policy on Equal Opportunity fails to include the words "sexual orientation"; and

WHEREAS, the present University Policy on Equal Opportunity prohibits discrimination on the basis of race, color, religion, sex, national origin, handicap, or veteran status; and

WHEREAS, a University Policy on Equal Opportunity which included the words "sexual orientation" would provide express protection against discrimination to gay men and lesbians; NOW
THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the Faculty Senate recommends to the President and to The George Washington University Board of Trustees that the University Policy on Equal Opportunity be amended to add the words "sexual orientation" to its non-discrimination provisions.

Joint Committee of Faculty and Students
November 2, 1990

THE GEORGE WASHINGTON UNIVERSITY

TO: The Faculty Senate

FROM: Professor Philip Robbins, Faculty Co-Chair
Joint Committee of Faculty and Students

RE: Report on the Resolution to Amend the University Policy
on Equal Opportunity

The Joint Committee is reporting for Senate consideration a resolution favoring amendment of the University Policy on Equal Opportunity by adding the words "sexual orientation" passed unanimously by the Joint Committee at its meeting November 2, 1990. Presented here is a brief history behind that action:

The Joint Committee received the referral from the Executive Committee in time to initiate discussion at the Committee's regular meeting October 5, 1990. At that time, there was considerable sentiment expressed by some student and some faculty members to take up the proposal and act upon it forthwith. However, reminded that there were likely legal and other considerations the Committee should know about before acting, it agreed to schedule the item for the November 2nd agenda and to invite representatives both from the group sponsoring the resolution and from the University administration to appear and participate in our discussion.

At the November 2nd meeting, Professor Mary Cheh (National Law Center), three law students who had signed the request for the resolution, and a very large delegation of other students who are interested in the matter appeared. They enumerated many reasons why lesbian and gay students felt it would help their acceptance on campus to have the University officially on record as favoring non-discriminatory treatment for them. They felt that just having the reference in the Policy that the University subscribes to the D.C. Human Rights Law is not enough, especially now that it is unclear how much that law might apply to the new Northern Virginia campus.

Susan Kaplan, Special Assistant to President Trachtenberg and ex officio member of the Joint Committee, made a statement on the matter after emphasizing she was not speaking for the President or officially on behalf of the University Administration. She said that the status of the Navy R.O.T.C. unit on campus was a concern of the Administration, and she felt that if the Joint Committee were to pass the resolution, it would be better to amend the proposal so it would not direct how and where the new language would be added.

During further discussion, it was brought out that many of the 55 universities and colleges which the sponsoring group discovered did have specific prohibitions against discrimination because of sexual orientation did also have R.O.T.C. units. Speakers favoring the resolution said they did not believe the R.O.T.C. matter was a problem since these other schools did not seem to consider it so.

The proposed resolution was amended by the Joint Committee into the form you have received. The amended version was then passed unanimously.

Joint Committee of Faculty and Students
November 2, 1990

A RESOLUTION TO ENDORSE GUIDELINES FOR SEARCHES FOR DEANS
OF THE GEORGE WASHINGTON UNIVERSITY (90/9)

WHEREAS, The Faculty Senate Committee on Administrative Matters as They Affect the Faculty has reviewed the process for searches for Deans and has developed general guidelines; NOW, THEREFORE

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY:

That the attached Guidelines are endorsed for use by Dean Search Committees.

Committee on Administrative Matters as They Affect the Faculty
November 11, 1990

SEARCHES FOR DEANS OF THE GEORGE WASHINGTON UNIVERSITY

Preamble

In an effort to improve the search process for Deans and to promote cooperation and coordination within the University community in this matter, the Faculty Senate Committee on Administrative Matters as They Affect the Faculty recommends the adoption of the following guidelines. These guidelines serve to expand on the procedures stipulated in the Faculty Code.

Background

Based on discussions with various parties involved in recent dean searches, several issues have surfaced which support the adoption of Guidelines for Dean searches. The following list highlights the key points:

Deans play a critical role in relation to university administration, faculty, students, and alumni. Therefore the dean search process should encompass participation of these four groups.

Dean searches are not conducted frequently in any given school or college. As a result these units are unable to develop procedures to facilitate efficient operation of the process.

It is important for faculty search committees to understand what is expected of Deans in our University.

Expeditious processing and review of applications is critical to assure that potentially qualified candidates are not lost from the applicant pool because of earlier job offers from other institutions.

Use of an executive search firm can be useful in developing a large pool of qualified applicants.

Given the large number of persons involved in the dean search process, confidentiality of information about candidates for these positions is critical.

Recommendation

The Committee on Administrative Matters as They Affect the Faculty hereby recommends the adoption of the following Guidelines:

GUIDELINES FOR SEARCHES FOR DEANS
OF THE GEORGE WASHINGTON UNIVERSITY

All schools and colleges are requested to develop a mechanism for the selection of a committee of students which will play a formal supporting role to the elected faculty search committee. This student committee would have the opportunity to participate in interviews of candidates, reporting their recommendations to the faculty search committee. The identity and mandate of the student committee would be made known to all students in the unit.

All schools and colleges are requested to develop a mechanism for the selection of a committee of alumni which will play a formal supporting role to the elected faculty search committee. This alumni committee would have the opportunity to participate in interviews of candidates, reporting their recommendations to the faculty search committee. The identity and mandate of this alumni committee would be made known to the alumni in the unit.

At the time that faculty search committees are elected by any school or college following the bylaws of that unit, the Vice President for Academic Affairs may name an academic administrator from outside that school or college to participate as an advisor to the committee with regard to the definition of selection criteria, screening of resumes, interviewing of candidates, and other functions of the committee.

Support services for Dean searches will be provided by the office of the Assistant to the Board of Trustees. This office will provide staff assistance for scheduling campus visits for interviews and other administrative services required by the search process. This office will also facilitate the utilization of an executive search firm, should the faculty committee choose to contract for such services.

The Chair of the Dean Search Committee should report at least monthly to the respective faculty and to the Vice President for Academic Affairs on the status of the search.

Each faculty search committee should develop procedures to assure confidentiality of information about candidates for dean positions.

Approved by the Senate Committee on Administrative Matters as
They Affect the Faculty, November 11, 1990